GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Educaiton Department - SUITS – High Court of A.P., Amaravati – Implementation of orders dated:17.02.2020 in W.P.No.12101 of 2018 relating to regularisation of services of 1) Dr. B.D.J. Satya Latha, Lecturer in Zoology, 2) Dr. Ch. Vijay Kumar, Lecturer in History, 3) Dr. A.J. Bhagyalatha, Lecturer in Economics and 4) Dr. S. Lavanya, Lecturer in Mathematics, A.C.College, Guntur, with retrospective effect as per terms of G.O.Ms.No.15, Higher Education (I.E.II) Department, dated 07.03.2013 – Orders – Issued.

HIGHER EDUCATION (CE.A2) DEPARTMENT

G.O.Rt.No.24 **Dated:08/02/2024**

Read the following:

1. G.O.Rt.No.256, Higher Education (C.E.II-1) Department, dated:14.05.2012.
2. Representation of Dr. B.D.J Satyalatha and (4) other Lecturers dated:02.03.2015.
3. Orders of the Hon'ble High Court of A.P, Amaravati in W.P.No.12101 of 2018, dated:17.02.2020.
4. Orders of the Hon'ble Supreme Court of India in SLP(CE) No.5821, dated:29.03.2023.
5. From the CCE, A.P, Lr.Rc.No.408/Admn.II/2015, dt: 14/10/2023.

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ORDER:

In the G.O 1st read above, the Government have issued orders for absorption / regularization of the services of 1) Dr.B.D.J.Satya Latha, Lecturer in Zoology, 2)Dr.A.J.Bhagyalatha, Lecturer in Economics, 3)Dr.Ch.Vijay Kumar, Lecturer in History, 4) Dr.S.Lavanya, Lecturer in Mathematics and 5) Sri Syam Julius Rajendra, Lecturer in Mathematics. Accordingly, the same was communicated to the Correspondent, A.C.College, Guntur by the C.C.E., A.P vide Proceedings Rc.No.505/Admn.II-1/2010, Dt.21.05.2012, with a request to issue orders for absorbing/regularizing the services of the above Lecturers with prospective effect only. Subsequently, the Correspondent, A.C.College, Guntur, has absorbed the services of the above (5) Lecturers against Grant-in-Aid posts from 25.05.2012 and accordingly they reported to duty on the F.N. of 25.05.2012.

2. Meanwhile, Dr.B.D.J Satyalatha and (4) other Lecturers in their representation 2nd read above have requested for their regularization from the retrospective date, as was done in other similar cases. But, Government, after examinations have rejected the request vide Memo.No. 2371/ CE/A2 /2015-4, Higher Education (CE) Department, Dt.19.05.2016 and Memo. No.2371/CE.A1/2015, Higher Education (CE) Department, Dt.09.11.2017 .

3. Aggrieved with the aforementioned rejection orders, Dr.B.D.J. Satya Latha, Lecturer in Zoology, and 3 others Lecturers have filed W.P.No.12101 of 2018 before the Hon'ble High Court, with a request to absorb them as Lecturers in Zoology, History, Economics and Mathematics from the date of submission of the proposals i.e., 05.09.2001, 18.10.2001, 16.01.2002 and 09.04.2002 respectively, with all consequential benefits including seniority, monetary etc.,

(Contd on P.2)

4. The Hon'ble High Court of A.P on 17.02.2020 while disposing of the Writ Petition No.12101 of 2018, in the 3rd read above has made the following order:

> "…. Hence, there shall be a direction to the respondents to consider the case of the petitioners in terms of G.O.Ms.No.15 dated 07.03.2013 and consequential memos dated:19.05.2016 and 09.11.2017 are set aside.
>
> The Writ Petition is, accordingly, disposed of".

5. The Petitioners i.e Dr.B.D.J. Satya Latha, Lecturer in Zoology, and 3 others also filed Contempt Case No.1148 of 2020 before the Hon'ble High Court for non-implementation of the Hon'ble Court orders dated:17.02.2020 in W.P.No.12101 of 2018. The same is pending before the Hon'ble High Court.

6. Meanwhile, the CCE filed a Writ Appeal No.408 of 2020 against the orders Dt.17.02.2020 passed in W.P.No.12101 of 2018. Subsequently, the same was withdrawn by the CCE with the permission of Hon'ble A.P.H.C. orders dated:18.12.2020, with liberty to apply for review of the order under appeal.

7. Accordingly, the CCE has filed Review Petition in Rev.I.A.No.1 of 2021 to review the judgement and orders dt.17.02.2020 in W.P.No.12101 of 2018 before the Hon'ble High Court. Subsequently, the Hon'ble High Court in its orders dated:05.08.2022 in Review I.A.No.1 of 2021 in W.P.No.12101 of 2018 among other things has made the following order :

> " *xxxx*
>
> *In the circumstances, I do not find any reason to review the order dated 17.02.2020 passed in W.P.No.12101 of 2018. Accordingly the review petition is dismissed".*

8. On dismissal of Review I.A.No.1 of 2021 in W.P.No.12101 of 2018, the C.C.E. has filed W.A.993 of 2022 before the Hon'ble A.P.H.C., with a pray to set aside the orders dated 05 08 2022 passed in Review I.A. No.1 of 2021 in W P No 12101 of 2018. The Hon'ble Court has made the following order on 22.12.2022 in Writ Appeal No.993 of 2022;

> "*xxxx*
>
> *A perusal of G.O.Ms.No.15 Higher Education (I.E.II) Department dated 07.03.2013 indicates, in unequivocal terms, that Smt. G.Parvathi Devi was also appointed as an unaided Junior Lecturer in Telugu in Antarvedipalem Firka Development Trust Junior College, Malikipuram, East Godavari District. Paragraph Nos.3 and 4 of the said Government Order also clearly disclose the said factum of appointment of the said Smt. G.Parvathi Devi as unaided Junior Lecturer. It is also not in dispute that in the case of Smt. G.Parvathi Devi, the Government issued the aforesaid order, permitting the Commissioner of Intermediate Education, A.P., Hyderabad to absorb Smt. G.Parvathi Devi in Grant-in-Aid post with effect from 03.12.2001.*

(Contd on P.3)

Therefore, the distinction which the learned Government Pleader is attempting to draw between the case of Smt. G.Parvathi Devi on one hand and the case of the respondents/Writ Petitioners in the present appeal, in the considered opinion of this Court, is not tenable. Therefore, the contention contra advanced by the learned Government Pleader is liable to be rejected and, is accordingly, rejected. As mentioned supra, obviously, in the respondent-institution, aided vacancy arose in the year 2001-2002.

Learned Senior counsel relies on the judgment of the composite High Court in the case of Shaik Rahamatunnisa Begum vs. The Joint Collector and Ors.

A copy of the judgment is placed on record, wherein the composite High Court took a view that against the consent order, no appeal lies. In the considered opinion of this Court and in view of the reasons recorded supra, the Writ Petitioners/respondents herein are entitled for the same benefit as was extended for Smt. G.Parvathi Devi.

For the aforesaid reasons, Writ Appeal is dismissed and the order passed by the learned Single Judge, declaring that the respondents/Writ Petitioners are entitled for the same benefit which was extended to Smt. G.Parvathi Devi vide G.O.Ms.No.15 Higher Education (I.E.II) Department dated 07.03.2013 is confirmed. It is also made clear that the exercise to the said effect shall be completed by the respondents within a period of three months.

There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, stand closed"

9. Further, the C.C.E. has filed Special Leave Petition before Hon'ble Supreme Court of India in S.L.P. (C) No.5821 of 2023 against the orders dated 22.12.2022 in W.A.No.993 of 2022. The Hon'ble Supreme Court in its orders dated 29.03.2023 in S.L.P. (C) No.5821 of 2023 have made the following order:

> "..... at the outset of we note that the petitioners were before the Division Bench of the High Court merely assailing the order passed in the review petition and not in the original order. In any event, in the facts and circumstances involved in the present case, we see no reason to interfere with the impugned order.
>
> The special leave petition is disposed of.
>
> Pending application (s) shall also stand disposed of."

10. Government after careful examination of the matter, hereby accord permission to the Commissioner of Collegiate Education, A.P. to approve the appointment of the petitioners 1) Dr. B. D. J. Satya Latha, Lecturer in Zoology, 2) Dr. Ch. Vijay Kumar, Lecturer in History, 3) Dr. A.J. Bhagyalatha, Lecturer in Economics and 4) Dr. S. Lavanya, Lecturer in Mathematics, A.C.College, Guntur, as per the terms of G.O.Ms.No.15, Education (I.E.II)Dept., dated 07.03.2013, as a special case, subject to outcome of the Writ Appeal No.127/2024 or appeals against the order, dated:17.02.2020 filed by the Government and shall not be quoted as a precedent in future cases.

(Contd on P.4)

11. The Commissioner of Collegiate Education, A.P shall take further action accordingly.

12. This order issues with the concurrence of the Finance (HR.IPlg.& Policy) Department vide their U.O.No.130253/32026/71/2016/HR.III, dt:07.02.2024.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT (I/C)

To
The Commissioner of Collegiate Education, A.P.
Mangalagiri, Guntur District.

Copy to:
The individuals through the Commissioner of Collegiate Education, A.P.
The Government Pleader for Higher Education, High Court of A.P, Amaravati.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Treasuries & Accounts, Andhra Pradesh, Ibrahimpatnam.
The P.S to Special Chief Secretary to C.M.
The OSD to Hon'ble Minister [Education].
The P.S to Prl. Secy., to Govt., H.E.Dept.,
The P.S to Spl.Chief Secretary to Govt., (I/C), H.E Dept.,
The Finance (H.R-I Plg & Policy) Dept.
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER